

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	No. 3:07-CR-53
)	(Phillips / Shirley)
)	
JASON NELSON)	
)	
Defendant.)	

MEMORANDUM AND ORDER

All pretrial motions in this case have been referred to the undersigned pursuant to 28 U.S.C. § 636(b) for disposition or report and recommendation regarding disposition by the District Court as may be appropriate. This matter came before the Court on May 17, 2007, for initial appearance and arraignment. On that date, the Court conducted a closed hearing on the Motion for Examination to Determine Mental Competency filed on behalf of Defendant Jason Nelson by Attorney Charles Poole. [Doc. 18]. The Court examined Attorney Poole as to the basis for the motion. The Court examined Mr. Nelson on the subject, during which the Court observed Mr. Nelson's demeanor and responsiveness.

The Court concluded that there was not cause to believe that Defendant Jason Nelson was presently suffering from a mental condition that might affect his competence. At the conclusion of the Court examination, Attorney Poole agreed that in his judgment Mr. Nelson was competent to proceed. Mr. Nelson stated that he understood the reason the request was made by Attorney Poole

and confirmed that he could proceed with Attorney Poole as his lawyer.

By this Order, the Court memorializes its previous ruling that Motion for Examination to Determine Mental Competency [**Doc. 18**] is **DENIED**, as the defendant does not appear to be suffering from a mental deficiency at this time. the Court granted leave to re-file this motion, should circumstances warrant.

IT IS SO ORDERED.

ENTER:

s/ C. Clifford Shirley, Jr.
United States Magistrate Judge